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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Beehive Telephone Company, Inc.	)	CC Docket No. 98-108
Beehive Telephone, Inc. Nevada	)	
	)	
Tariff F.C.C. No. 1	)	Transmittal No. 11

To: The Commission

APPLICATION FOR REVIEW

Beehive Telephone Company, Inc. and Beehive Telephone, Inc. Nevada (collectively "Beehive"), by their attorneys, and pursuant to section 1.115(a) of the Commission's Rules ("Rules"), hereby requests the Commission to review the Order of the Deputy Chief, Common Carrier Bureau ("Bureau") rejecting in part Beehive's Transmittal No. 11 to its Interstate Access Tariff F.C.C. No. 1. *See Beehive Telephone Co., Inc.*, DA 98-1304, 1998 WL 347231 (Com. Car. Bur. June 30, 1998) ("*Order*").

Background

Beehive first filed its access tariff in March 1994 proposing to charge $0.30458 per minute of premium access for one mile of transport. Beehive's access rates were not investigated and went into effect on July 1, 1994.

In June 195, Beehive made its 1995 annual access tariff filing under which its per minute premium access rate for one mile of transport was reduced by 73% to $0.08375. The Bureau denied the petition of AT&T Corp. ("AT&T") for an investigation of Beehive's access rates, and allowed those rates to go into effect on July 1,

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1995. *See 1995 Annual Access Tariff Filings of Non-Price Cap Carriers*, 10 FCC Rcd 12231, 12242 (Com. Car. Bur. 1995).

In September 1995, Beehive sought judicial review of the Commission's decision to tariff access to the 800 Service Management System. *See Beehive Telephone, Inc.* v. *FCC*, No. 95-2579 (D.C. Cir. filed Sept. 15, 1995). Thereafter, the Bureau set each of Beehive's tariff filings for investigation[1/], even though Beehive proposed to reduce its per-minute premium access rate for one mile of transport from $0.08375 (Transmittal No. 6) to $0.055777 (Transmittal No. 8) to $0.049648 (Transmittal No. 11). Indeed, the Bureau initiated its latest investigation despite the fact that Beehive's tariff filing was unopposed.

Beehive's Transmittal No. 11 was filed to comply with the Commission's *Access Charge Reform* order[2/], and section 69.111(e)(2) of the Rules. Unlike its previous filings, Beehive's proposed rates were based on audited financials. Beehive hoped to alleviate the concerns expressed by the Commission in its two rate prescription and refund orders.[3/]

1/ *See Beehive Telephone Co., Inc.*, 12 FCC Rcd 11695, 11697 (Com. Car. Bur. 1997) (Transmittal No. 6); *Tariffs Implementing Access Charge Reform*, 13 FCC Rcd 163, 167 (Com. Car. Bur. 1997) (Transmittal No. 8); *Order* at 4-5.

2/ *Access Charge Reform*, 12 FCC Rcd 15982 (1997).

3/ *See Beehive Telephone Co., Inc.*, 13 FCC Rcd 2736, *reconsid. denied*, FCC 98-83, 1998 WL 223659 (1998), petition for review filed, *Beehive Telephone Co., Inc.* v. *FCC*, No. 98-1293 (D.C. Cir. June 30, 1998) ("*Prescription I*"); *Beehive Telephone Co., Inc.*, FCC 98-105, 1998 WL 278733 (June 1, 1998), *petition for reconsid.* pending ("*Prescription II*").

The Bureau rejected Transmittal No. 11 to the extent that it proposed to increase Beehive's local switching rates. *See Order* at 4. The Bureau concluded that those rates were "patently unlawful" because they allegedly violated *Prescription II*. *Id.* at 3.

Beehive asked the Bureau to correct errors in the *Order*[4/] and had two follow-up meetings with the staff. The Bureau was given the opportunity to pass on the issues addressed below.

Issues

The questions presented for review are:

1. Whether the Bureau erred when it found that Beehive (a) had stated in its direct case for Transmittal No. 8 that its cost accounts and records had not been maintained in accordance with Part 32 of the Rules, *see* Order at 2; and (b) had failed to identify in its cost support for Transmittal No. 11 the accounting procedures it used to maintain its books, *see id.* at 4.

2. Whether the Bureau's action summarily rejecting Beehive's revised charges for its local switching rate element is in conflict with section 204 of the Communications Act of 1934, as amended ("Act"), and is otherwise contrary to law.

Argument

I. The Bureau Made Erroneous Findings As To Beehive's Compliance with Part 32

The Bureau repeated an error made by the Commission in *Prescription II*. Citing pages 34 and 35 of Beehive's Transmittal

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4/ *See infra* Exhibit 1 (Letter of Russell D. Lukas to James P. Schlicting (July 6, 1998)).

No. 8 direct case, the Commission had found that Beehive had stated "that its accountant did not record its transactions in accordance with Part 32...for the years 1994 through 1996." *Prescription II* at 6 & n.30. Beehive made no such representation. *See infra* Exhibit 1 at 1. Beehive actually stated that it had rebuilt its accounting records for the years 1994 through 1996 to properly reflect its transactions in accordance with Part 32. *See id.*

The Bureau also erred when it claimed that Beehive did not "identify the accounting procedures it used" in its Transmittal No. 11 cost data. *Order* at 4.[5/] Beehive submitted audited financial statements for the years 1994 through 1997. *See* Cost Support Documentation at 459-90. In notes to those statements, the auditor described Beehive's accounting policies and reported that Beehive maintained its books in accordance with Part 32. *See id.* at 469-70, 488-89.

The Bureau's erroneous findings were material and decisionally significant. Those findings supported the Bureau's *assumption* that the 1996 cost data Beehive filed with Transmittal No. 11 was no more "reliable" than the different 1996 data the Commission found wanting in *Prescription II*. *See Order* at 4. The Bureau relied on

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[5/] The Bureau found that Beehive "fail[ed] to document and explain the data, assumptions and the methodologies on which it based its premium and non-premium local switching rates." *Order* at 4. In the first place, Beehive documented how it determined its local switching rates. Moreover, Beehive was not required to file its supporting data. *See* 47 C.F.R. § 61.39(b). Therefore, Beehive did more than required when it filed its supporting documentation. It was not bound to explain its data, assumptions and methodologies.

that unwarranted assumption to reject Beehive's local switching rates without affording Beehive the "full hearing" guaranteed it under section 204(a) of the Act. *See* 47 U.S.C. § 204(a).

Beehive's tariff filing was entitled to the presumption of lawfulness. *See* 47 C.F.R. § 1.773(a)(1)(iii). What it received was the Bureau's presumption of unlawfulness.

II. The Bureau Unlawfully Rejected Beehive's Local Switching Rates

Section 203(d) of the Act gives the Commission the authority to reject a tariff filing "which does not provide and give lawful notice of its effective date." 47 U.S.C. § 203(d). However, the Commission has no express statutory authority to reject a tariff that is "inconsistent" with prescribed rates, *Order* at 3, or that is based on "unreliable" cost data. *See id.* at 4. Certainly, no such authority is granted under sections 201(b) and 205(a) of the Act as claimed by the Bureau. *See id.* at 4-5.

Courts have inferred that the Commission has the general power to reject tariffs summarily under section 201 of the Act. *Capital Network System, Inc.* v. *FCC*, 28 F.3d 201, 204 (D.C. Cir. 1994). However, the "power to reject a tariff is limited; the tariff must be 'so patently a nullity as a matter of substantive law...that administrative efficiency and justice are furthered by obviating any docket at the threshold....'" *American Broadcasting Cos. Inc.* v. *FCC*, 663 F.2d 133, 138 (D.C. Cir. 1980) (quoting *Municipal Light Boards* v. *FPC*, 450 F.2d 1341, 1346 (D.C. Cir. 1971), *cert. denied*, 405 U.S. 989 (1972)). Beehive submits that its Transmittal No. 11

was not "patently a nullity" and that the rejection of *part* of its filing (and the investigation of the remainder) hardly furthered administrative efficiency or justice.

Beehive did not "violate" the Commission's rate prescription in *Prescription II*, and its revised local switching rates could not be rejected summarily as "patently unlawful". *See Order* at 4. As Beehive argued to the Bureau, the ordering clauses of *Prescription II* did not mandate that the prescribed rates remain in effect for any prescribed period, or prohibit Beehive from filing revised rates. *See infra* Exhibit 1 at 2. Thus, Beehive took no action prohibited, or declared to be unlawful, by the Commission in *Prescription II*.

The filing of Beehive's revised local switching rates cannot be judged "patently unlawful" when Beehive had a statutory right to file revised rates. *See* 47 U.S.C. § 203(a)(3) (a "carrier may file with the Commission a new or revised charge...on a streamlined basis"). Moreover, the Commission required Beehive to file revised rates to be effective July 1, 1998. *See* 47 C.F.R. § 69.111(e)(2). And the required rate revisions had to be filed and supported as provided under Part 61 of the Rules. *See* 47 C.F.R. §§ 61.1(b), 69.1(b).

Beehive had to comply with the ratemaking provisions of section 61.38(b) of the Rules when it made the required rate change. *See* 47 C.F.R. § 61.38(b). Thus, it had to base its new rates on a "cost of service study...for the total period since [its] last annual filing". 47 C.F.R. § 61.38(b)(1)(ii). Because

it made its last annual filing in July 1997, and based on the Bureau's prior ruling, Beehive planned to base its new rates on its cost of service and related demand for the calendar year 1997.[6/] However, the undersigned counsel was advised by the staff that Beehive should submit cost data for the years 1996 and 1997. That is what Beehive did.

Beehive could not adhere to the rates prescribed in *Prescription II* and comply with the ratemaking requirements of section 61.39(b). The rates prescribed by the Commission were not based on Beehive's cost of service and related demand since its 1997 annual filing. The Commission's prescribed rates are based fundamentally on unseparated data filed with NECA by companies with 800 to 1,000 access lines in 1995 (31 companies) and 1996 (24 companies). *See Prescription II* at 8-9 & n.9, 11 & n.64 (citing *Prescription I*, 13 FCC Rcd at 2742). The Commission relied on that "sample's average total plant in service, instead of Beehive's data," to prescribe Beehive's interstate revenue requirements. *See id.* at 11.

Beehive submits that it would have violated the ratemaking requirements of section 61.38(b) of the Rules if it had adhered to the Commission's prescribed charges for the local switching element, while employing a cost of service study to establish charges for the tandem switched transport facility, tandem switched

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[6/] *See Beehive Telephone Co., Inc.*, 13 FCC Rcd 20249, 20251 (Com. Car. Bur. 1997) (Beehive's 1997 annual filing had to be based on costs and demand for calendar years 1995 and 1996).

tranport termination, and transport interconnection elements. Likewise, Beehive would have violated section 61.38(b) by developing charges for its new rate elements using the methodology and outdated data employed by the Commission in *Prescription II*.

Beehive submits that its tariff filing could not be found to be "patent unlawful" or "patently a nullity" when the filing complied on its face with the express requirements of section 61.38(b) of the Rules. In any event, it was incumbent on the Bureau to explain (1) how Beehive should have complied with substantive law and (2) how the rejection of the charges for one rate element serves the interests of administrative efficiency when the Bureau initiated an investigation with respect to Beehive's two other rate elements.

For all the foregoing reasons, Beehive respectfully request that the Commission rescind the *Order* and direct the Bureau to accept Transmittal No. 11 in it entirety.

Respectfully submitted,

BEEHIVE TELEPHONE, INC. and
BEEHIVE TELEPHONE NEVADA, INC.

By: _____
Russell D. Lukas

Its Attorneys

Lukas, Nace, Gutierrez & Sachs
1111 Nineteenth Street, N.W., 12th Floor
Washington, D.C. 20036
(202) 857-3500

Filed: July 30, 1998

LUKAS, NACE, GUTIERREZ & SACHS
CHARTERED
1111 NINETEENTH STREET, N.W.
SUITE 1200
WASHINGTON, D.C. 20036
(202) 857-3500

RUSSELL D. LUKAS
DAVID L. NACE
THOMAS GUTIERREZ
ELIZABETH R. SACHS
GEORGE L. LYON, JR.
PAMELA L. GIST
DAVID A. LAFURIA
TERRY J. ROMINE
J. JUSTIN McCLURE
MARILYN SUCHECKI MENSE
PAMELA GAARY HOLRAN
B. LYNN F. RATNAVALE
+ NOT ADMITTED IN D.C.

CONSULTING ENGINEERS
THOMAS G. ADCOCK, P.E.
MEHRAN NAZARI
ALI KUZEHKANANI
SHAHRAM HOJATI, D.SC.
LEROY A. ADAM
LEILA REZANAVAZ
FARID SEYEDVOSOGHI

OF COUNSEL
JOHN J. McAVOY
J.K. HAGE III+

TELECOPIER
(202) 842-4485

Email: lngs@fcclaw.com
http://www.fcclaw.com

WRITER'S DIRECT DIAL
(202) 828-9467

July 6, 1998

James D. Schlicting, Deputy Chief
Common Carrier Bureau
1919 M Street, N. W., Room 518
Washington, D. C. 20554

Re: *Beehive Telephone Co., Inc.*, DA 98-1304
(released June 30, 1998)

Dear Mr. Schlicting:

On behalf of Beehive Telephone Co., Inc. and Beehive Telephone Nevada, Inc. (collectively "Beehive"), I respectfully request that the Bureau's above-referenced order in CC Docket No. 98-108 be corrected in the following respects.

First, at paragraph 3 of the order, the Bureau states, "Beehive had stated in its direct case for Transmittal No. 8 that its cost accounts and records had not been maintained in accordance with Part 32 of the Commission's rules". That statement is not true. Beehive made the following representation at page 35 of its direct case:

> Specifically, with regard to years 1994-1996, the new CPA concluded that significant amounts of opening balances (at December 31, 1993) were different than had been reported on the 1993 year end financial statements and that Beehive's transactions were not being recorded in accordance with FCC Part 32, especially with respect to revenue recording. Therefore, the company was required to rebuild its records for years 1994, 1995, and a substantial part of 1996 in order to reflect the adjusted opening balances and *to properly reflect Beehive's transactions in accordance with Part 32 accounts.*

Beehive addressed the matter in response to the directive that it explain the changes in the 1995-1996 cost information filed for

Transmittal No. 6 that were reflected in the cost information filed with Transmittal No. 8. Beehive never stated that its cost accounts and records were not maintained in accordance with Part 32.

I have enclosed letters from Beehive's accountant, McNeil Duncan CPA, and its controller, Wayne A. McCulley, confirming that its transactions were recorded in accordance with Part 32 requirements.

Second, the Bureau stated at paragraph 1 of its order that Beehive proposed to increase its premium and non-premium local switching rates "in violation of the Commission's prescription in the *1998 Beehive Tariff Investigation Order*". The Bureau went on to characterize Beehive's proposed rate revisions as "patently unlawful" allegedly because the filing violated the Commission's rate prescription. The Bureau's statements are unduly harsh and unfair.

Beehive disagrees entirely with the Commission's rate prescription order. Even assuming that the rate prescription was proper, there was no basis for the Bureau to suggest that Beehive acted in violation of the Commission's order.

The ordering clauses of the Commission's *1998 Beehive Tariff Investigation Order* directed Beehive (1) to file a tariff revision establishing the prescribed rates; (2) to refund with interest the difference between the prescribed rates and the actual rates it charged between January 1, 1998 and June 15, 1998 (the effective date of the tariff revisions ordered by the Commission); and (3) to submit its plans for issuing refunds to the Bureau for approval within 30 days. The Commission did not order that the prescribed rates were to remain in effect for any particular time period, and it did not prohibit Beehive from proposing to revise its rates. Therefore, it is difficult to see how Beehive violated the *1998 Beehive Tariff Investigation Order*, much less how its proposal to revise its rates was "patently unlawful".

I do not agree that *United Air Lines* v. *CAB*, 518 F.2d 256 (7th Cir. 1995) empowers the Bureau to summarily reject Beehive's tariff filing as violative of the Commission's rate prescription. In its decision (which was distinguished in *Delta Air Lines, Inc.* v. *CAB*, 543 F.2d 247, 263-64 (D.C. Cir. 1976) and never followed by any court), the Seventh Circuit defined "[t]he sole issue presented" as "whether air carriers may file new and different tariffs while lawful tariffs duly established by the Civil Aeronautics Board remain in effect or whether under such circumstances the carriers' only recourse is to seek to modify the Board-established tariffs." *United*, 518 F.2d at 257. The Seventh Circuit concluded that

Congress did not intend "to authorized the Board to establish a lawful rate only to be followed immediately by the necessity of passing upon other and different rates filed by the carriers." *United*, 518 F.2d at 261. Whatever its vitality, that holding has no application here.

In this case, Beehive was required by the Commission to revise its rates. *See Access Charge Reform*, 12 FCC Rcd 15982, 16173 (1997). Therefore, the necessity of passing on Beehive's revised rates so soon after the Commission's rate prescription came from the Commission, not Beehive. Moreover, it was the Commission that set in motion a "continual merry-go-round of investigations" of Beehive's access rates. *United*, 518 F.2d at 259.

It appears to me that the weight of authority is that the Commission lacks the authority to prevent the filing of a carrier-initiated rate revision. *See AT&T Co.* v *FCC*, 487 F.2d 865, 880-81 (2d Cir. 1973); *Willmut Gas & Oil Co.* v. *FPC*, 294 F.2d 245, 249-51 (D.C. Cir. 1961). Whatever the case law was prior to 1996, the question must be decided under the Telecommunications Act of 1996, which gave local exchange carriers the right to file rate revisions. *See* 47 U.S.C. § 204(a)(3) ("A local exchange carrier *may* file with the Commission a new or revised charge ... on a streamlined basis") (emphasis added).

I see no utility in the Bureau's action in light of its decision to investigate Beehive's tandem switched transport facility, tandem switched transport termination, and transport interconnection charge rates. Thus, the Bureau's rejection of part of Beehive's tariff filing does not avoid the need for an investigation. Nor will the Bureau's action save staff resources. Because the staff must review Beehive's 1996 and 1997 cost and investment data in its latest investigation, it would require little additional effort to determine whether Beehive's 1996 and 1997 data -- which includes audited financial statements showing that Beehive's accounting records were maintained in accordance with Part 32 -- supported its revised local switching rates.

Contrary to the Bureau's claim, Beehive's revised local switching rates were not based on the cost and investment data the Commission previously rejected in its *Beehive Tariff Investigation Order*. There the Commission found fault primarily with Beehive's 1995 general ledger entries, not its 1996 data. And the Commission has never reviewed Beehive's 1997 cost and investment information. Thus, Beehive's revised local switching rates were based on data that was never found to be unreliable.

I do not believe that the law was so clear that the Bureau could charge Beehive with acting unlawfully. Nor do I think the

law was so clear that the Bureau could reject Beehive's tariff filing as a "patent nulli[ty] as a matter of substantive law". *Capital Network System, Inc.* v. *FCC*, 28 F.3d 201, 204 (D.C. Cir. 1994) (quoting *Municipal Light Boards* v. *FPC*, 450 F.3d 1341, 1346 (D.C. Cir. 1971)). At the very least, Beehive's tariff filing presented legal issues upon which reasonable people acting in good faith could disagree.

Very truly yours,

Russell D. Lukas

RDL/jmp

Enclosures

cc: Jane E. Jackson, Chief,
Competitive Pricing Division
Paul D'Ari, Esq.
Josephine Simmons, Esq.

MCNEIL DUNCAN
Certified Public Accountant
1160 South State Street #220 Orem, Utah 84097

Member of:
American Institute of Certified Public Accountants
AICPA Division for CPA Firms:
Private Companies Practice Section

Russell D. Lukas
Lukas, Nace, Guitierrez & Sachs
1111 Nineteenth Street, N.W. Suite 1200
Washington, D.C. 20036

Dear Mr. Lukas:

I have been asked to address the statement of the FCC in Background paragraph 3 of its Order in CCDocket No. 95-108 released June 30, 1998 in the Matter of Beehive Telephone Company, Inc., and Beehive Telephone, Inc. Nevada, which states, in part, "Beehive had stated in its direct case for Transmittal No 8 that its cost accounts and records had not been maintained in accordance with Part 32 of the Commission's rules", and the sentence in Discussion paragraph 8 of the same Order which says "The Commission concluded that Beehive had failed to maintain its cost accounts and records in accordance with Part 32 of the Commission's rules and had not explained the accounting procedures that were used to maintain its books to allow reliance on them".

Page 35 of the companies' Transmittal No 8 contains this sentence: "Specifically, with regard to years 1994-1996, the new CPA concluded that significant amounts of opening balances (at December 31, 1993) were different than had been reported on the 1993 year end financial statements and that the Beehive's transactions were not being recorded in accordance with FCC Part 32, especially with respect to revenue accounting. "

This conclusion attributed to me has been taken out of context and seems to be the basis for the statements of the Commission quoted above. The following is offered as clarification.

I became acquainted with these companies and their accounting systems beginning in April, 1996. For some time the companies had maintained general ledgers in general accordance with FCC Part 32.

The "significant amounts of opening balances" which were determined to be different than had been previously reported related to cash balances, plant investment and liabilities that were adjusted as of December 31, 1993. These differences are detailed in the companies' financial statements for the years 1994 through 1997 upon which I have rendered an unqualified opinion. .

As to "transactions ... not being recorded in accordance with FCC Part 32...", the significant deficiencies existing at that time which related to the requirements of Part 32 were (1) the timing and classification of the recording of revenues and , (2) the absence of expense matrix subsidiary accounts and (3) the lack of what Part 32 describes as *Basic Property Records* (continuing property records and their supplemental records).

The deficiency in revenue classification was immediately addressed and with the result that revenues for the year 1994 and all subsequent years have been classified and recorded in accordance with Part 32 requirements.

The absence of expense matrix subsidiary classifications has been addressed. The companies' accountant prepared a spread sheet classification of the expense accounts for the years 1994, 1995, and 1996. For the year 1997 and currently, the expense matrix subsidiaries are an integral part of the general ledger.

The required basic plant records have also been established. These records were compiled on the basis of the original costs recorded in the plant accounts of the companies together with a detailed subsidiary listing of such costs which had been maintained for depreciation purposes. Since 1982 the plant costs have been closely scrutinized by the Rural Electrification Administration, now the Rural Utilities Service. The cost list underwent further review for propriety and was adjusted for the differences at December 31, 1993 described above. Property units were determined through staking sheets and other available construction and completion data. All necessary adjustments to plant accounts which were identified as a result of this activity were recorded in the general ledger. The plant accounts for all years ending after December 31, 1993 are supported by continuing property records.

Construction projects are identified as needed. Direct materials are classified directly between plant construction and maintenance and operation. Labor costs are used as the basis for the allocation of overhead and other indirect costs.

Plant specific operations expenses other than those related to land and building expenses and general computer expense are classified as to inside plant (central office equipment) and outside plant (cable and wire facilities), and then to toll and local within the inside and outside plant classifications. This is a classification method used consistently for many years by the companies and has been approved by FCC and NECA in the past. The physical arrangement and usage assignments of the plant allow this to be a practicable classification.

The other expense accounts are also maintained as directed by Part 32.

The narrative on Page 35 of the companies' Transmittal No 8 continues: "Therefore, the company was required to rebuild its records for the years 1994, 1995, and a substantial part of 1996 in order to reflect the adjusted opening balances and to properly reflect Beehive's transactions in accordance with Part 32 Accounts."

The statements in the Order cited above seem to indicate that this part of the transmittal was overlooked. The deficiencies relating to Part 32 requirements were taken care of. The financial statements for the years 1994 through 1997, issued by the companies, and accompanied by my Accountants Report of June 3, 1998, were developed and reported in accordance with the requirements of Part 32.

Sincerely,

McNeil Duncan CPA
July 1, 1998

BEEHIVE TELEPHONE COMPANY, INC.
5160 WILEY POST WAY, SUITE 220
SALT LAKE CITY, UT 84116
VOICE - 801-596-9512
FAX - 801-596-9504

July 1, 1998

Russell D Lukas
Lukas, Nace, Gutierrez & Sachs
1111 Nineteenth Street, N. W. Suite 1200
Washington, D. C. 20036

Dear Mr. Lukas:

The accounting for the Beehive Telephone Companies does and always has followed Part 32 of the FCC rules.[1] Payroll and overhead items are assigned to either operations and maintenance expense, or construction costs based on worksheets provided by our outside plant people. Actual purchases are assigned to the proper expense or plant account according to instructions on the purchase order.

There have been several accountants here over the years, and the degree to which Beehives accounting procedures followed Part 32 may have varied slightly depending on each accountant's knowledge of those rules.

When I became the Controller here in November 1995, I found that the accounting was not up to date. Upon further investigation I found that I needed to review the 1994 accounting data, and start over with 1995, rather than rely on what was already in the accounting records. In my review of the 1994 records, I did find some entries that I disagreed with and made changes. For the most part everything in 1994 was accounted for properly. There were some problems in verifying 12/31/93 balances so that our new CPA could conduct his audits. Most of these problems dealt with inadequate continuing property records. These records have all been completed and are being maintained on a current basis now.

It has taken me two full years, to bring all of the accounting to a current level. Because the balance sheet accounts carry forward from year to year, each year had to be completed consecutively. Income and expense items were entered on an ongoing basis, but allocations and other entries were done on a monthly basis as each accounting period was closed.

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[1] Refer to Beehives direct case page 35 paragraph 2. – The statement that our new CPA concluded that Beehive's transactions were not being recorded in accordance with FCC Part 32, is taken completely out of context. The former company accountant for Beehive had some items classified to the wrong accounts, but overall the accounting was done in accordance with Part 32 rules.

Although I have 20 years of accounting experience, it was not in telephone accounting. There have been many things for me to learn. Therefore as my understanding has increased, I have gone back and made changes to the way entries were originally booked. I have kept in close contact with our CPA, Mr. McNeil Duncan, who has over 30 years of telephone accounting experience. Whenever I have a question about the proper accounting for something I will consult with him first.

Beehive has been direct assigning its costs to toll and local expenses. Both FCC and NECA have approved this. This assignment is based on worksheets and other information provided by our outside plant technicians, and our chief engineer.

In the matter of providing subsidiary records to FCC, Beehive is a Class B company, and I was unaware that I was supposed to be keeping subsidiaries. In order to provide this data, I had to review an average of 13,500 entries per year. Now that I know that FCC may require this information, I am using subsidiary accounts in 1998. I have also gone back to 1997 and reclassified the entries into subsidiary accounts.

In summary Beehive Telephone Company accounting records do conform to Part 32 rules.

Sincerely,

Wayne A McCulley
Controller

CERTIFICATE OF SERVICE

I, Catherine M. Seymour, a secretary in the law firm of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have caused to be hand delivered on this 30th day of July, 1998, a copy of the foregoing "APPLICATION FOR REVIEW" to the following:

Josephine Simmons, Esquire
Tariff and Price Analysis Branch
Federal Communications Commission
1919 M Street, N.W., Room 518
Washington, D.C. 20554

Catherine M. Seymour